

(Arlington Outfall Sewer)
Book 1052/194

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IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF RIVERSIDE

CITY OF RIVERSIDE, a
municipal corporation,

Plaintiff,

vs.

CHARLES EARL HUTCHINGSON;
LEONTINE M. A. HUTCHINGSON;
PASQUALE SOLAZZO; ROSA
SOLAZZO; JOHN DOE ONE;
JOHN DOE TWO; JANE DOE ONE;
JANE DOE TWO; RICHARD ROE
COMPANY ONE; and RICHARD
ROE COMPANY TWO,

Defendants.

No. 46,357

FINAL JUDGMENT

OF CONDEMNATION

The plaintiff in the above-entitled cause having paid into Court for the benefit of Defendants Charles Earl Hutchingson, Leontine M. A. Hutchingson, Pasquale Solazzo and Rosa Solazzo, the total amount of compensation, together with interest, assessed by the Court for the interests of said defendants in and to the parcels of land referred to in the proceedings herein, and for all claims and demands of said defendants against plaintiff on account of the taking of said easement and right of way and the construction of an outfall sewer therein,

NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the parcels of land designated in plaintiff's complaint as Parcels No. 1 and No. 2 be, and they are hereby condemned and become the property of the plaintiff for the uses and purposes set forth in said complaint, to-wit: a perpetual easement and right of way for the construction, reconstruction, inspection, maintenance, operation and repair of a sanitary sewer in, under, along and upon all that certain real property situate in the County of Riverside, State of California, comprising the several parcels of land hereby condemned, together with the right to enter upon and to pass over and along said strip of land, and to deposit tools, implements and other material thereon by said City of Riverside, its officers, agents and employees, and by persons under contract with it and their employees whenever and wherever necessary for the purpose of constructing, reconstructing, inspecting, maintaining, operating or repairing said sewer.

Said lands are situate in the County of Riverside, State of California, and are described as follows:

PARCEL NO. 1: All that portion of Lots 7A, 8A and 10 of McClaskey Tract, as shown by Map on file in Book 10 pages 36 and 37 of Maps, records of Riverside County, California, as described in Parcel 1 of Deed recorded August 26, 1946 in Book 762 page 558 of Official Records of said County, that is included within a strip of land 60 feet wide, said 60 foot strip of land being described as follows:

Beginning at the Southeasterly corner of said Lot 8A;
 Thence North $00^{\circ} 17' 30''$ East along a course in the
 Easterly side of said Lot and along the Northerly extension of said
 course, 505.47 feet to the point of a tangent curve concave South-
 westerly, having a central angle of $52^{\circ} 30'$ and a radius of 311.11
 feet;
 Thence Northwesterly along said curve an arc length of 285.07
 feet to a point of reverse curvature with a curve concave Northeast-
 erly, having a central angle of $24^{\circ} 41'$ and a radius of 602.36 feet;
 a radial line through said point of reverse curvature bearing North
 $37^{\circ} 47' 30''$ East;
 Thence Northwesterly along said last described curve an arc
 length of 259.50 feet to a point of tangency with a line bearing
 North $27^{\circ} 31' 30''$ West;
 Thence North $27^{\circ} 31' 30''$ West, 243.79 feet to the South-
 easterly line of the Parcel of land conveyed to the City of Riverside
 by Deed recorded June 23, 1944 in Book 628 page 476 of Official
 Records in the office of the County Recorder of said County;
 Thence South $34^{\circ} 08' 00''$ West, 34.09 feet, along said
 Southeasterly line to a point that is North $34^{\circ} 08' 00''$ East, 264.02
 feet from that Northerly corner of said Lot 10 that is South 89°
 $39' 30''$ East, 403.3 feet along a Northerly line of said Lot from the
 most Northwesterly corner of said Lot 10;
 Thence continuing South $34^{\circ} 08' 00''$ West, 34.09 feet;
 Thence South $27^{\circ} 31' 30''$ East, 211.43 feet parallel with and
 distant Southwesterly 60 feet from said course of North $27^{\circ} 31' 30''$
 West to a point of tangent curve, concave Northeasterly, having a
 central angle of $24^{\circ} 41'$ and a radius of 662.36 feet;
 Thence Southeasterly along said curve an arc distance of
 285.35 feet to a point of reverse curvature with a curve concave
 Southwesterly, having a central angle of $52^{\circ} 30'$ and a radius of
 251.11 feet, a radial line through said point of reverse curvature
 bearing South $37^{\circ} 47' 30''$ West;
 Thence Southerly along said curve an arc distance of 230.09
 feet to a point of tangency with a line bearing South $00^{\circ} 17' 30''$
 West;
 Thence South $00^{\circ} 17' 30''$ West, 516.10 feet to the Southerly
 line of said Lot 8A;
 Thence North $80^{\circ} 01' 00''$ East, 30.49 feet along said
 Southerly line of said Lot 8A to the Northerly extension of the
 center line of Van Buren Street bearing North $00^{\circ} 17' 30''$ East,
 as shown on said Map of McClaskey Tract;
 Thence continuing North $80^{\circ} 01' 00''$ East, 25.94 feet
 and North $82^{\circ} 58' 00''$ East, 4.60 feet along said Southerly line of
 said Lot 8A to the point of beginning.

PARCEL NO. 2: All that portion of Lots 7A, 8A and 10 of McClaskey
 Tract, as shown by Map on file in Book 10 pages 36 and 37 of Maps,
 records of Riverside County, California, lying Southwesterly and
 Westerly of that certain parcel of land described in Parcel 1 of
 Deed recorded August 26, 1946 in Book 762 page 558 of Official Records
 of said County, and that is included within a strip of land 60 feet wide
 said 60 foot wide strip of land being described as follows:
 Beginning at the Southeasterly corner of said Lot 8A;
 Thence North $00^{\circ} 17' 30''$ East along a course in the
 Easterly side of said lot and along the Northerly extension of said
 course 505.47 feet to the point of a tangent curve concave South-
 westerly, having a central angle of $52^{\circ} 30'$ and a radius of 311.11
 feet;
 Thence Northwesterly along said curve an arc length of
 285.07 feet to a point of reverse curvature with a curve concave
 Northeasterly, having a central angle of $24^{\circ} 41'$ and a radius of
 602.36 feet; a radial line through said point of reverse curvature
 bearing North $37^{\circ} 47' 30''$ East;

1 Thence Northwesterly along said last described curve an arc
length of 259.50 feet to a point of tangency with a line bearing
2 North 27° 31' 30" West;

3 Thence North 27° 31' 30" West, 243.79 feet to the South-
easterly line of the parcel of land conveyed to the City of Riverside
by Deed recorded June 23, 1944 in Book 628 page 476 of Official
4 Records in the office of the County Recorder of said County;

5 Thence South 34° 08' 00" West, 34.09 feet along said South-
easterly line to a point that is North 34° 08' 00" East, 264.02 feet
6 from that Northerly corner of said Lot 10 that is South 89° 39' 30"
East, 403.3 feet along a Northerly line of said lot from the most
Northwesterly corner of said Lot 10;

7 Thence continuing South 34° 08' 00" West, 34.09 feet;

8 Thence South 27° 31' 30" East, 211.43 feet parallel
with and distant Southwesterly 60 feet from said course of North
9 27° 31' 30" West to a point of tangent curve, concave Northeasterly,
having a central angle of 24° 41' and a radius of 662.36 feet;

10 Thence Southeasterly along said curve an arc distance of
285.35 feet to a point of reverse curvature with a curve concave
11 Southwesterly, having a central angle of 52° 30' and a radius of
251.11 feet, a radial line through said point of reverse curvature
12 bearing South 37° 47' 30" West;

13 Thence Southerly along said curve an arc distance of 230.09
feet to a point of tangency with a line bearing South 00° 17' 30"
West;

14 Thence South 00° 17' 30" West, 516.10 feet to the Southerly
line of said Lot 8A;

15 Thence North 80° 01' 00" East, 30.49 feet along said South-
erly line of said Lot 8A to the Northerly extension of the center
16 line of Van Buren Street bearing North 00° 17' 30" East, as shown
on said Map of McClaskey Tract;

17 Thence continuing North 80° 01' 00" East, 25.94 feet and
North 82° 58' 00" East, 4.60 feet along said Southerly line of said
18 Lot 8A to the point of beginning.

19 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the lands
hereby condemned by and remain subject to the rights of way reserved
20 to Jurupa Land and Water Company and Stearns Ranchos Company to con-
struct and maintain over, upon and through the hereinafter described
21 property, canals, ditches, pipe lines or any conduits for the convey-
ance of water for the irrigation of other lands in said Ranchos.

22 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that there is
23 hereby excepted and reserved to the defendant California Electric
Power Company, a corporation, sued herein as Richard Roe Company
24 One, its successors and assigns, a right of way and easement, 25 feet
in width, being 12½ feet on each side of the hereinafter described
25 center line, consisting of the right to construct, maintain, operate,
inspect, repair, replace and remove, electric lines and telephone
26 lines and cables, including such additional lines as said defendant,
Power Company, may, from time to time in the future require, upon and
27 by means of one line of poles, with supporting structures, crossarms,
wires, guys, anchors, fixtures, and appurtenances, for the transmis-
28 sion of electric energy for any and all purposes for which the same
may be used, and communications, upon, over and across the following
29 described real property situate in the County of Riverside, State
of California, to-wit:

30 Lots 7-A and 8-A of the McClaskey Tract as per
31 map thereof recorded in Map Book 10, Pages 36 and
32 37, Records of Riverside County, California,

The center line of said right of way and easement upon, over, across
and along the portions of said Lots 7-A and 8-A of the McClaskey
Tract being condemned by the plaintiff herein is described as follows:

1 Beginning on the southerly line of said Lot 8-A
2 of McClaskey Tract at a point 22 feet westerly
3 from the southeast corner of said Lot 8-A and
4 running thence North 0° 20' East a distance of
5 652 feet, more or less, to a point in said Lot
6 7-A of McClaskey Tract, distant 31 feet North of
7 the south line of said Lot 7-A.

8 The exception and reservation hereby made to the defendant,
9 Power, Company, is made with the proviso that any pole structures,
10 crossarms, wires, fixtures and appurtenances located upon and along
11 said right of way and easement so excepted and reserved to said de-
12 fendant, or upon and along rights of way and easements upon, over
13 and across adjacent premises, shall be subject to relocation and
14 change within and upon, over and along said rights of way and ease-
15 ments, to accommodate the plaintiff's use and enjoyment of the
16 condemned lands in any proper manner necessary and convenient to the
17 exercise of plaintiff's uses and purposes, and with the further
18 proviso that said defendant shall exercise and use its said excepted
19 and reserved right of way and easement in such manner as not to
20 interfere with plaintiff's use and enjoyment, either present or pros-
21 pective, of said condemned lands, and in such manner that no injury
22 or damage shall be done to any of plaintiff's works, property or
23 facilities on said lands.

24 That relocation or change of said defendant's pole supports,
25 crossarms, wires, fixtures and appurtenances may be made upon the
26 following terms and conditions:

27 (a) That whenever any of said Defendant's pole supports,
28 crossarms, wires, fixtures and appurtenances located upon and along
29 defendant's said right of way and easement upon, over across and along
30 said Parcels of land No. 1 and No. 2 being condemned in the above
31 entitled proceeding or located upon and along rights of way and ease-
32 ments upon, over and across adjacent premises, are found to obstruct
or interfere with any construction work, maintenance or use by or
on behalf of the plaintiff, upon said Parcels of Land No. 1 and No.
2, or to obstruct or interfere with any sewer line, structures, fac-
ilities, road, or other sanitary sewer improvement constructed,
placed and maintained, or proposed to be constructed, placed and
maintained upon said parcels of land No. 1 and No. 2 by the plaintiff,
said defendant shall make such relocations or changes, either temp-
orary or permanent, within and upon, over and along said rights of
way and easements, of said pole supports, crossarms, wires, fixtures
and appurtenances, or any thereof, as shall be required to avoid and
eliminate any such obstruction or interference and when requested by a
properly authorized engineer or other officer or employee of plain-
tiff. Such request shall be directed to the Construction Superin-
tendent of defendant, California Electric Power Company, or to its
Right of Way Engineer or other officer or employee designated by
said defendant.

That whenever said defendant finds that any construction work
or maintenance for or on behalf of the plaintiff, or any sewer line,
structures, facilities, road or other sanitary sewer improvement of
the plaintiff, interferes with, impairs or endangers any of said
defendant's pole supports, crossarms, wires, legal clearances,
fixtures and appurtenances located upon said defendant's right of
way and easement, or the electric services furnished and provided over
and by means of said pole supports, crossarms, wires, fixtures and
appurtenances, said defendant may notify the plaintiff of such
interference, impairment and danger, whereupon, plaintiff, if it
finds that such interference does occur, or such impairment or danger
does exist, shall request said defendant to make the necessary re-
locations or changes in said pole supports, crossarms, wires, clear-
ances, fixtures and appurtenances to avoid and eliminate such inter-
ference, impairment and danger, and said defendant shall be paid by

1 plaintiff for making such relocations or changes as provided in this
2 judgment.

3 (b) That any and all such relocations and changes so made
4 by said defendant pursuant to and as provided in this judgment shall
5 be paid for by the plaintiff at necessary actual cost, plus 15% of
6 said actual necessary cost for general superintendence and general
7 overhead expenses, and that said actual necessary cost shall be
8 defined to mean and include all expenditures for materials and
9 supplies furnished by said defendant (less reasonable salvage value
10 of all materials removed or replaced), in making any such relocations
11 or changes; labor, including direct superintendence and all office or
12 field time directly assigned to such relocation or change, and
13 including board and lodging for labor so employed when required; cost
14 to said defendant for workmen's compensation insurance, social
15 security and unemployment insurance taxes, vacation, sick allowance
16 and retirement costs covering labor so employed, and a reasonable
17 allowance for use of automotive vehicles and equipment when required
18 for making such relocations or changes; but such actual necessary
19 cost shall in no case include any allowance for general office
20 expense, general superintendence, or other general expenses. That
21 all amounts that may become due, owing and unpaid hereunder from
22 plaintiff to said defendant shall be paid within a reasonable time
23 after rendition by said defendant to the plaintiff of itemized
24 statements covering the same and referring to the numbered author-
25 ization therefor.

26 IT IS FURTHER ORDERED That a copy of this judgment be
27 recorded in the office of the County Recorder of the County of
28 Riverside, State of California, and thereupon the property herein-
29 before described, and particularly a perpetual easement and right
30 of way in, under, along and upon said Parcels No. 1 and No. 2, and
31 the title thereto, shall vest in the plaintiff, subject to the
32 reservations and restrictions hereinbefore set out.

The purpose of this condemnation is for the use by the City
of Riverside, a municipal corporation, and by the inhabitants there-
of, and the public, of an easement and right of way for sewerage
purposes.

Dated: Riverside, California, this 14 day of February, 1949.

O. K. Morton
Judge of the Superior Court